

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG a/k/a
AMRO (SWITZERLAND) AG, et al.,

Defendants.

Chapter 15 Case

Case No. 10-13164 (JPM)

Jointly Administered

Adv. Pro. No. 10-03635 (JPM)

TWELFTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at Adv. Pro. No. 10-03635, ECF No. 914 (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023, which extension was to seek jurisdictional discovery needed to oppose defendants’ PJ Motions;

WHEREAS, the parties stipulated to the Third Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on March 30, 2023, at Adv. Pro. No. 10-03635, ECF No. 1019 (“Third Amended Scheduling Order”), which extended the personal jurisdiction briefing schedule for certain defendants;

WHEREAS, the parties stipulated to the Fourth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 15, 2023, Adv. Pro. No. 10-03635, ECF No. 1096 (“Fourth Amended Scheduling Order”), which extended the personal jurisdiction briefing schedule for certain defendants;

WHEREAS, the parties stipulated to the Fifth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 25, 2023, Adv. Pro. No. 10-03635, ECF No. 1101 (“Fifth Amended Scheduling Order”), which extended the personal jurisdiction briefing schedule for certain defendants;

WHEREAS, the parties stipulated to the Sixth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on June 8, 2023, Adv. Pro. No. 10-03635, ECF No. 1104 (“Sixth Amended Scheduling Order”), which extended the personal jurisdiction briefing schedule for certain defendants;

WHEREAS, the parties stipulated to the Seventh Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on June 26, 2023, Adv. Pro. No. 10-03635, ECF No. 1108 (“Seventh Amended Scheduling Order”), which extension was to negotiate a potential settlement and extended the deadline for certain defendants to file a reply in support of its PJ motion to July 28, 2023;

WHEREAS, the Second Amended Scheduling Order requires that the parties shall substantially complete all merits document production by August 22, 2023;

WHEREAS, the parties stipulated to the Eighth Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 23, 2023, at ECF No. 1128, (“Eighth Amended Scheduling Order”);

WHEREAS, the Eighth Amended Scheduling Order adjourned the deadline set forth in the Second Amended Scheduling Order requiring that the parties shall substantially complete all merits document production by August 22, 2023;

WHEREAS, the parties stipulated to the Ninth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on November 1, 2023, at ECF No. 1135, (“Ninth Amended Scheduling Order”);

WHEREAS, the Ninth Amended Scheduling Order adjourned the deadline set forth in the Second Amended Scheduling Order requiring that the parties shall substantially complete all merits document production by August 22, 2023;

WHEREAS, on December 14, 2023, the parties stipulated to the Tenth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court at ECF No. 1139 (“Tenth Amended Scheduling Order”);

WHEREAS, the Tenth Amended Scheduling order adjourned the deadlines set forth in the Second Amended Scheduling Order requiring that the parties shall substantially complete all merits document productions by August 22, 2023, serve interrogatories (except contention interrogatories) by December 19, 2023, and the December 19, 2023 date by which the parties can first serve contention interrogatories;

WHEREAS, on January 30, 2024, the parties stipulated to the Eleventh Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court at ECF No. 1141 (“Eleventh Amended Scheduling Order”);

WHEREAS, the Eleventh Amended Scheduling Order adjourned the deadlines set forth

in the Second Amended Scheduling Order requiring that the parties shall substantially complete all merits document productions by August 22, 2023, serve interrogatories (except contention interrogatories) by December 19, 2023, the parties to disclose the identity of any expert witness that the designating Party may use at trial to present evidence under Federal Rules of Evidence 702, 703, or 705 by February 12, 2024, the parties to make a request for leave to amend pleadings or join parties by February 29, 2024, and the December 19, 2023 date by which the parties can first serve contention interrogatories;

WHEREAS, by agreement of the parties and prior orders of the Court, the parties have reserved certain issues that defendants may move to dismiss under Rule 12 until after the personal jurisdiction motions are resolved (the “Merits Motion to Dismiss”);

WHEREAS, as of the date of this order, there are pending motions to dismiss for lack of personal jurisdiction in the following Adversary Proceeding Numbers: 10-03626, 10-03627, 10-03630, 10-03635, 10-03636, 10-04098, 10-04099, 11-01579, 11-01617, 12-01551, and 19-01122 (the “Pending PJ Actions”);

WHEREAS, the parties agree that in order to agree upon an amended schedule, the parties need to first set a schedule for the briefing of the Merits Motion to Dismiss, which is to commence following the resolution of the pending motions to dismiss for lack of personal jurisdiction in the Pending PJ Actions;

WHEREAS, the parties agree that all the deadlines in the Second Amended Scheduling Order should be adjourned while discussions concerning an amended schedule continue;

WHEREAS, the parties will meet and confer and submit a further amended schedule by the earlier of (i) 14 days after the issuance of the final decision on the pending motions to dismiss for lack of personal jurisdiction in the Pending PJ Actions or (ii) September 13, 2024;

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. All deadlines set forth in the Second Amended Scheduling Order are **adjourned**;
2. The parties shall meet and confer and submit a further amended schedule by the earlier of (i) 14 days after the issuance of the final decision on the pending motions to dismiss for lack of personal jurisdiction in the Pending PJ Actions or (ii) September 13, 2024; and
3. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, the provisions of the August 2, 2022 Second Amended Scheduling Order, the provisions of the March 30, 2023 Third Amended Scheduling Order, the provisions of the May 15, 2023 Fourth Amended Scheduling Order, the provisions of the May 25, 2023 Fifth Amended Scheduling Order, the provisions of the June 8, 2023 Sixth Amended Scheduling Order, the provisions of the June 26, 2023 Seventh Amended Scheduling Order, the provisions of the August 23, 2023 Eighth Amended Scheduling Order, the provisions of the November 1, 2023 Ninth Amended Scheduling Order, the December 14, 2023 Tenth Amended Scheduling Order, and the January 30, 2024 Eleventh Amended Scheduling Order remain in full force and effect.

SO ORDERED.

Dated: March 26, 2024
New York, New York

/S/ John P. Mastando III
JOHN P. MASTANDO III
UNITED STATES BANKRUPTCY JUDGE